

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Michael J. Monroe

Plaintiff(s),

v.

New York State Dept. of Corrections,
C.O. T, C.O. K, Anthony Anucci

Defendant(s).



COMPLAINT AT 0'CLOCK
(Pro Se Prisoner)

Case No. 9:17-W-1050
(Assigned by Clerk's
Office upon filing)

Jury Demand

- ☐ Yes
☒ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore **not** contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

I. LEGAL BASIS FOR COMPLAINT

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
☐ Other (please specify) _____

II. PLAINTIFF(S) INFORMATION

Name: Michael J. Monroe
Prisoner ID #: 16A2258
Place of detention: Franklin Correctional Facility
Address: 62 Bare Hill Rd, P.O. Box 10
Malone, New York 12953

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

02R0359, 08A5639

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

III. DEFENDANT(S) INFORMATION

Defendant No. 1: Officer K.
Name (Last, First)

Corrections Officer
Job Title

Franklin Correctional Facility 62 Bare Hill Rd, P.O. Box 10
Work Address

Malone New York 12953
City State Zip Code

Defendant No. 2: Officer T.
Name (Last, First)

Corrections Officer
Job Title

Franklin Correctional Facility 62 Base Hill Rd, P.O. Box 10
Work Address

Malone New York 12953
City State Zip Code

Defendant No. 3: New York State Dept. of Corrections
Name (Last, First)

Job Title

The Harriman State Campus, 1220 Washington Ave
Work Address

Albany New York 12226-2050
City State Zip Code

Defendant No. 4: Anthony Anucci
Name (Last, First)

Commissioner of Corrections
Job Title

Harriman State Campus Building 2, 1220 Washington Ave
Work Address

Albany New York 12226-2050
City State Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On June 2, 2017 corrections officer "K." came to the N2 housing unit ^{at 9am} to retrieve me for a urinalysis test. At that time I notified officer K. that I am Muslim and that I was fasting for the month of Ramadan. Officer K. proceeded to bring me down to take the urinalysis in the back of the medical department near the tier hearing office in Franklin Correctional facility. He told me that if I didn't drink some water and provide a urine sample that I would receive a misbehavior report equal to a positive urinalysis and be put in S.H.U. so I complied with the direct order that was given so that I could ^{continue to} participate in the Ramadan Services. Then on June 14, 2017 corrections officer "T." came to N2 housing unit at around 12pm to retrieve me for another urinalysis test. I again notified this officer that I am muslim and I am fasting for the month of Ramadan this officer also told me that if I didn't drink something and provide

V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

a urine sample that I was gonna receive a misbehavior report for a positive dirty urine and possibly be put in the box (S.H.U.) so again in order for me to continue to participate in the Ramadan Services I again had to break my fast and follow the direct order given by the officer so that I could continue to fast and participate in the Ramadan services.

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

FIRST CLAIM

C.O."T", C.O. "K", NY State Dept. of Corrections, Anthony Anucci
violated my First Amendment rights by interfering with
free exercise of religion, and to practice my religion correctly

SECOND CLAIM

Free Exercise Clause. C.O."T", C.O."K", New York State
Department of Corrections, Anthony Anucci

THIRD CLAIM

Fourteenth Amendment, Religious Land Use and
Institutionalized Persons Act. C.O."T", C.O."K",
New York State Department of Corrections, Anthony Anucci

VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

I am seeking monetary damages in the amount of \$50,000 and
proper notification of officers for practicing Muslim inmates during Ramadan

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 9/15/17

Michael Monroe

Plaintiff's signature

(All plaintiffs must sign the complaint)